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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,551	12/11/2001	Alexander Kvache	01-8007	8115

32127 7590 03/15/2004

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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/016,551

Applicant(s)

KVACHE ET AL.

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-7 and 9-49 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9-11, 16-29, 34-36 and 42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortman et al. (U.S. Patent No. 5,987,100) and in view of Rodriguez et al. (U.S. Pub. No. 2002/0067806).

Regarding claims 1 and 20, Fortman teaches receiving a message intended for the subscriber (abstract; col.6, lines 61-65; 'subscriber' reads on the claim 'receiving party').

However, Fortman fails to teach "determining whether the message should be delivered to the receiving party". Rodriguez teaches determining a priority for the message for the subscriber (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; 'a priority for the message for the subscriber' reads on the claim 'whether the message should be delivered to the receiving party'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman to allow determining whether the message should be delivered to the

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receiving party as taught by Rodriguez. The motivation for the modification is to have doing so in order to transmit the message to the intended recipient.

Fortman further teaches translating the message from a source format to ADSI text form (i.e., message text) (abstract; col.7, lines 20-26, 49-52).

However, Fortman further fails to teach “converting the digital text message to an audible message when the message should be delivered to the receiving party”. Rodriguez teaches converting the digital text message to an audible message when the message should be delivered to the recipient (page no.2, paragraph 0028; ‘digital text message’ reads on the claim ‘message’ and ‘recipient’ reads on the claim ‘receiving party’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman to allow converting the digital text message to an audible message when the message should be delivered to the receiving party as taught by Rodriguez. The motivation for the modification is to have doing so in order to deliver the message to the intended recipient in required format.

Fortman further teaches making a phone call (i.e., initiating a telephony call) to the subscriber’s phone (col.5, lines 10-15, 42-49).

Fortman further teaches delivering the message (i.e., audible message) to the subscriber during the telephony call (col.5, lines 10-15, 42-49, col.7, lines 17, 18).

Regarding claims 2 and 22, Fortman teaches obtaining user profile data that identifies at least one criterion for when messages should be delivered to the receiving party (col.5, lines 10-15, 42-49, col.7, lines 17, 18).

Regarding claims 3, 23 and 45, Fortman teaches the user profile data including data identifying at least one of a message type (col.5, lines 42-49).

Regarding claims 4 and 24, Fortman teaches processing the message against the user profile data (col.5, lines 42-49, col.7, lines 5-26; 'processing the message' reads on the claim 'testing the message').

However, Fortman further fails to teach "determining that the message should be delivered when the message passes the test". Rodriguez teaches determining that the message should be forwarded when the decision is made regarding forwarding address (page no.4, paragraphs 0037-0041; 'forwarded' reads on the claim 'delivered' and 'the decision is made regarding forwarding address' reads on the claim 'the message passes the test'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman to allow determining that the message should be delivered when the message passes the test as taught by Rodriguez. The motivation for the modification is to have doing so in order to deliver the message to the intended recipient after checking the subscriber's preference.

Regarding claims 5 and 25, Fortman teaches notifying the pending messages intended for the subscriber (col.5, lines 42-49, col.7, lines 14-26; 'notifying the pending messages' reads on the claim 'monitoring a message server for arrival of new messages' and 'subscriber' reads on the claim 'receiving party').

Regarding claims 6, 26 and 46, Fortman teaches calling (i.e., periodically checking) the mailbox (i.e., message server) for pending messages (col.7, lines 32-40; 'pending messages' reads on the claim 'new messages').

Regarding claims 7, 27 and 47, Fortman teaches receiving a notification from the mailbox (i.e., message server) whenever new messages are waiting (col.7, lines 13-19; 'waiting' reads on the claim 'arrives').

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Regarding claim 9 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Fortman teaches a message translator (col.7, line 65-col.8, line 5; 'message translator' reads on the claim 'text-to-speech translator').

Regarding claims 10 and 28, Fortman teaches creating a response message (i.e., envelope) from message's format (col.7, line 65-67, col.8, line 1-20, 31-38; 'message's format' reads on the claim 'at least one of a From, To, Subject, and Date header fields corresponding to the message').

Regarding claims 11 and 29, Fortman fails to teach "translating the message text and the envelope into an audible message". Rodriguez teaches translating the digital text message to an audible message (page no.2, paragraph 0028, page no.4, paragraphs 0036; 'digital text message' reads on the claim 'the message text and the envelope'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman to allow translating the message text and the envelope into an audible message as taught by Rodriguez. The motivation for the modification is to have doing so in order to deliver the message to the intended recipient in required format.

Regarding claim 16, Fortman fails to teach "determining whether the telephony call reaches the receiving party". Rodriguez teaches determining whether the recipient is available (page no.2-3, paragraphs 0028-0029; 'the recipient is available' reads on the claim 'telephony call reaches the receiving party'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman to allow determining whether the telephony call reaches the receiving party as taught by Rodriguez. The motivation for the modification is to have doing so in order to provide the indication whether the recipient is available.

Fortman further fails to teach “retrying the telephony call a predetermined number of times if the telephony call fails to reach the receiving party”. Rodriguez teaches attempting to contact the recipient again if the recipient is unavailable for a period of time to elapse (page no.2-3, paragraph 0029; ‘attempting to contact the recipient again’ reads on the claim ‘retrying the telephony call a predetermined number of times’ and ‘the recipient is unavailable for a period of time to elapse’ reads on the claim ‘the telephony call fails to reach the receiving party’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman to allow retrying the telephony call a predetermined number of times if the telephony call fails to reach the receiving party as taught by Rodriguez. The motivation for the modification is to have doing so in order to make several attempts to contact the subscriber.

Regarding claims 17 and 35 are rejected for the same reasons as discussed above with respect to claim 16. Furthermore, Fortman fails to teach “initiating a second telephony call to an alternate telephone number if the telephony call fails to reach the receiving party”. Rodriguez teaches attempting to contact the recipient again if the recipient is unavailable for a period of time to elapse (abstract; page no.2-3, paragraph 0029; ‘attempting to contact the recipient again’ reads on the claim ‘initiating a second telephony call to an alternate telephone number’ and ‘the recipient is unavailable for a period of time to elapse’ reads on the claim ‘the telephony call fails to reach the receiving party’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman to allow initiating a second telephony call to an alternate telephone number if the telephony call fails to reach the receiving party as

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taught by Rodriguez. The motivation for the modification is to have doing so in order to make alternate routing to contact the subscriber.

Regarding claim 19 is rejected for the same reasons as discussed above with respect to claims 1 and 4. Furthermore, Fortman fails to teach “at least one of a date and time of message arrival”. Rodriguez teaches at least one of a date and time of message arrival (page no. 3, paragraph 0034). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman to allow at least one of a date and time of message arrival as taught by Rodriguez. The motivation for the modification is to have doing so in order to notify the subscriber about the date and time of pending messages.

Regarding claims 18 and 36, Fortman teaches checking (i.e., authenticating) the subscriber based on the identity (col.8, lines 33, 34; ‘subscriber’ reads on the claim ‘receiving party’ and ‘identity’ reads on the claim ‘at least one of a user identifier, a personal identification number, and a password’).

Fortman further teaches notifying the subscriber after successful authentication of the subscriber (col.8, lines 33-38; ‘notifying the subscriber’ reads on the claim ‘transmitting the audible message to the receiving party’).

Regarding claims 21, Fortman teaches that the target format is a text format (col.7, lines 49-52).

Regarding claim 34 is rejected for the same reasons as discussed above with respect to claims 16 and 17.

Regarding claim 42 is rejected for the same reasons as discussed above with respect to claims 1 and 5. Furthermore, Fortman teaches routing the request of the



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subscriber (i.e., interacting with the user) to generate user preference (i.e., user profile) identifies at least one message criterion that indicates when messages should be delivered to the subscriber (i.e., user) (col.5, lines 10-15, 42-49, col.7, lines 17, 18, 49-64).

Regarding claim 43 is rejected for the same reasons as discussed above with respect to claim 18. Furthermore, Fortman teaches checking (i.e., validating) the subscriber identity (i.e., user identification and password data) with the mailbox (col.8, lines 31-38; 'mailbox' reads on the claim 'message server').

Regarding claim 44, Fortman teaches attempting to inherently logon to the mailbox using the subscriber identity (col.8, lines 31-38).

Fortman fails to teach "determining whether the logon is successful". Rodriguez teaches determining if the correct code is entered (page no.3, paragraph 0033; 'if the correct code is entered' reads on the claim 'whether the logon is successful'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman to allow determining whether the logon is successful as taught by Rodriguez. The motivation for the modification is to have doing so in order to determine the subscriber of the mailbox.

4. Claims 12, 13, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortman et al. (U.S. Patent No. 5,987,100) and in view of Rodriguez et al. (U.S. Pub. No. 2002/0067806) and further in view of McAllister et al. (U.S. Patent No. 6,442,242).

Regarding claims 12 and 30, Fortman in view of Rodriguez fails to teach "translating one or more message attachments into attachment text". McAllister teaches converting voice message into attachment text (col.6, lines 24-52; 'converting voice

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message' reads on the claim 'translating one or more message attachments'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman in view of Rodriguez to allow translating one or more message attachments as taught by McAllister. The motivation for the modification is to have the translation in order to provide a format usable to be transmitted via email.

Regarding claims 13 and 31, Fortman teaches translating the digital text message to an audible message (page no.2, paragraph 0028; 'digital text message' reads on the claim 'message text and attachment text').

5. Claims 14, 15, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortman et al. (U.S. Patent No. 5,987,100) and in view of Rodriguez et al. (U.S. Pub. No. 2002/0067806) and further in view of Tullis et al. (U.S. Patent No. 5,802,314).

Regarding claim 14, Fortman in view of Rodriguez fails to teach "determining whether one or more message attachments are convertible into text". Tullis teaches determining whether one or more file attachments are convertible into a text (col.20, lines 30-45; 'file attachments' reads on the claim 'message attachments'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman in view of Rodriguez to allow determining whether one or more message attachments are convertible into text as taught by Tullis. The motivation for the modification is to have doing so in order to verify whether the message attachments are convertible.

Fortman in view of Rodriguez further fails to teach "generating a description of the one or more message attachments when the one or more message attachments are not

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convertible into text". Tullis teaches generating a description of the one or more file attachments when the one or more file attachments are not convertible into the text (col.20, lines 30-45; 'file attachments' reads on the claim 'message attachments'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman in view of Rodriguez to allow generating a description of the one or more message attachments when the one or more message attachments are not convertible into text as taught by Tullis. The motivation for the modification is to have doing so in order to deliver the description of unconvertible message.

Regarding claim 15, Fortman teaches converting the digital text message to an audible message (page no.2, paragraph 0028; 'converting the digital text message' reads on the claim 'translating the message text and the generated description').

Regarding claim 32, Fortman in view of Rodriguez fails to teach "determining whether one or more message attachments are convertible into a target format". Tullis teaches determining whether one or more file attachments are convertible into a text (col.20, lines 30-45; 'file attachments' reads on the claim 'message attachments' and 'text' reads on the claim 'target format'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman in view of Rodriguez to allow determining whether one or more message attachments are convertible into a target format as taught by Tullis. The motivation for the modification is to have doing so in order to verify whether the message attachments are convertible.

Fortman in view of Rodriguez further fails to teach "generating a description of the one or more message attachments when the one or more message attachments are not convertible into the target format". Tullis teaches generating a description of the one or

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more file attachments when the one or more file attachments are not convertible into the text (col.20, lines 30-45; 'file attachments' reads on the claim 'message attachments' and 'text' reads on the claim 'target format'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman in view of Rodriguez to allow generating a description of the one or more message attachments when the one or more message attachments are not convertible into the target format as taught by Tullis. The motivation for the modification is to have doing so in order to deliver the description of unconvertible message.

Regarding claim 33 is rejected for the same reasons as discussed above with respect to claim 1. Regarding claim 33, Fortman teaches translating (i.e., converting) the source format message (col.7, lines 20-26; 'source format message' reads on the claim 'translating the generated description').

6. Claims 37-40, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortman et al. (U.S. Patent No. 5,987,100) and in view of Tullis et al. (U.S. Patent No. 5,802,314).

Regarding claim 37, Fortman teaches receiving a message intended for the subscriber (abstract; col.6, lines 61-65; 'subscriber' reads on the claim 'receiving party').

However, Fortman fails to teach "the message including one or more message attachments". Tullis teaches the multimedia message including one or more file attachments (col.20, lines 40-45; 'multimedia message' reads on the claim 'message' and 'file attachments' reads on the claim 'message attachments'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman to allow the message including one or more message attachments as taught by

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Tullis. The motivation for the modification is to have doing so in order to provide the message as an attachment to an electronic message.

Fortman further fails to teach “determining whether one or more message attachments are convertible into a target format”. Tullis teaches determining whether one or more file attachments are convertible into a text (col.20, lines 30-45; ‘file attachments’ reads on the claim ‘message attachments’ and ‘text’ reads on the claim ‘target format’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman to allow determining whether one or more message attachments are convertible into a target format as taught by Tullis. The motivation for the modification is to have doing so in order to verify whether the message attachments are convertible.

Fortman further fails to teach “generating a description of the one or more message attachments when the one or more message attachments are not convertible into the target format”. Tullis teaches generating a description of the one or more file attachments when the one or more file attachments are not convertible into the text (col.20, lines 30-45; ‘file attachments’ reads on the claim ‘message attachments’ and ‘text’ reads on the claim ‘target format’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman to allow generating a description of the one or more message attachments when the one or more message attachments are not convertible into the target format as taught by Tullis. The motivation for the modification is to have doing so in order to deliver the description of unconvertible message.

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Fortman further teaches making a phone call (i.e., initiating a telephony call) to the subscriber's phone (col.5, lines 10-15, 42-49).

Fortman further teaches delivering the message (i.e., audible message) to the subscriber during the telephony call (col.5, lines 10-15, 42-49, col.7, lines 17, 18).

However, Fortman further fails to teach "the generated description". Tullis teaches the generated description (col.20, lines 40-45; 'multimedia message' reads on the claim 'message' and 'file attachments' reads on the claim 'message attachments'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman to allow the generated description as taught by Tullis. The motivation for the modification is to have doing so in order to deliver the description of unconvertible message.

Regarding claim 38, Fortman teaches calling the mailbox to obtain the message (col.5, lines 10-15, 42-49, col.7, lines 17, 18, 49-64; 'calling the mailbox' reads on the claim 'interacting with a message server').

Regarding claim 39 is rejected for the same reasons as discussed above with respect to claim 42.

Regarding claim 40, Fortman teaches converting the message from a source format to a retrieval format (i.e., audible format) (abstract; col.7, lines 20-26).

Regarding claim 48 is rejected for the same reasons as discussed above with respect to claim 37.

However, Fortman fails to teach "the message including a message portion and one or more attachments in a source format". Tullis teaches the multimedia message including one or more file attachments (col.20, lines 40-45; 'multimedia message' reads

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on the claim 'message' and 'file attachments' reads on the claim 'message portion and one or more attachments'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fortman to allow the message including a message portion and one or more attachments in a source format as taught by Tullis. The motivation for the modification is to have doing so in order to provide the message as an attachment to an electronic message.

Regarding claim 49, Fortman teaches that the telephony device includes wireline telephone (col.3, lines 50-64; 'wireline telephone' reads on the claim 'one of a wireline and wireless communication device').

7. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fortman et al. (U.S. Patent No. 5,987,100) and in view of Tullis et al. (U.S. Patent No. 5,802,314) and further in view of Rodriguez et al. (U.S. Pub. No. 2002/0067806).

Regarding claim 41 is rejected for the same reasons as discussed above with respect to claims 1. Furthermore, Fortman teaches translating the message from a source format to a retrieval format (i.e., target format) (col.7, lines 20-26).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dahlen (U.S. Patent 5,870,454) teach Telecommunications speech-text conversion and message delivery system - delivers text message to any of number of types of media formatters, which transmit message to corresponding type of receiving equipment; Cohn et al. (U.S. Patent 6,411,684) teach Network-based multimedia communications and directory system and method of operation and Foladare et al. (U.S. Patent 6,411,684) teach Centralized message service apparatus and method.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M. E.  
MD SHAFIUL ALAM ELAHEE  
March 7, 2004

Allan Hoosain  
ALLAN HOOSAIN  
PRIMARY EXAMINER for  
Fan Tsang